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## Thailand

### Sanitary/Phytosanitary/Food Safety

## The New Plant Quarantine Act (No. 3) B.E. 2551 2008

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**Report Highlights:**

On March 1, Thailand's new Plant Quarantine Act (No. 3) B.E. 2551 was published in the Royal Gazette after being endorsed by the King on February 19. This new act primarily combines previous 2007 Ministerial Notifications requiring Pest Risk Assessments for imported plant materials as well as establishes broader powers for the Plant Quarantine Committee. These previous notifications are discussed in GAIN TH6129 and TH7073. Additionally, this Act combines the last two previous Plant Quarantine Acts which were published in 1964 and 1999.

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## Executive Summary

On March 1, Thailand's new Plant Quarantine Act (No. 3) B.E. 2551 was published in the Royal Gazette after being endorsed by the King on February 19. This new act primarily combines previous 2007 Ministerial Notifications requiring Pest Risk Assessments for imported plant materials as well as establishes broader powers for the Plant Quarantine Committee. These previous notifications are discussed in GAIN TH6129 and TH7073. Additionally, this Act combines the last two previous Plant Quarantine Acts which were published in 1964 and 1999.

The major changes in the new Plant Quarantine Act include:

- 1) The Plant Quarantine Committee has increased responsibilities in providing recommendations to the Director General of the Department of Agriculture (DOA) and Minister of Agriculture and in performing other actions; such as making recommendations determining the criteria and import procedures, determining inspection fees, and to amend the Act or the existing regulations.
- 2) The Director General of DOA has increased authority in determining criteria, procedures and import conditions of prohibited or restricted plant articles;
- 3) Imports of restricted plant articles under the new law must be accompanied by a phytosanitary certificate only, while the old law allowed for the use of other documents;
- 4) Commercial imports of prohibited articles are now subject to pest risk analysis (PRA) prior to importation.
- 5) Imports of materials or plants which are not prohibited and restricted materials (considered as unprohibited articles) must be accompanied by a phytosanitary certificate.

Appendix A provides a detailed comparison of the old law content (Plant Quarantine Act B.E. 2507 Amended by Plant Quarantine Act (No. 2) B.E. 2542) with the new law content (Plant Quarantine Act B.E. 2551).

Appendix B provides an English translation of the new Plant Quarantine Act.

## Appendix A

The New Law Content	The Old Law Content
<p>Section 4: Includes the meaning of terms “specific controlled plant” and pest risk analysis”.</p> <p>“specific controlled plant” means plants declared by the Minister in the Government Gazette. It shall be required protective measures and inspection on microorganisms or other objects that are harmful to human health, in compliance with the importing country requirement prior to exportation.</p> <p>“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it.</p>	<p>Section 4: Does not include the meaning of the terms “specific controlled plant” and “pest risk analysis”</p>
<p>Section 5hexa: The Committee shall have the authority as follows:</p> <p>(1) provide recommendation to the Minister for the determination on name of plants, plant pests, or carriers to be prohibited or restricted articles, and of plant germplasms that shall be controlled, and of controlled plants and specific controlled plants;</p> <p>(2) provide recommendation to the Minister for the determination on the plant quarantine station and post-entry quarantine station;</p> <p>(3) provide recommendation to the Director-General for the determination on type of business enterprises that are eligible to import or bring in transit of prohibited articles under Section 8 (2) as well as the determination on criteria, procedures and conditions for the importation or bringing in transit of prohibited articles through commercial channel or other business enterprises under Section 8 (2);</p> <p>(4) provide recommendation to the Director-General on the provisions on criteria, procedures and conditions for importation or bringing in transit of prohibited or restricted articles under Section 10, and for the determinations on plant pest inspection and treatment fees, the request for a phytosanitary</p>	<p>Section 5hexa: The Committee shall have the authority to confer recommendation to the Minister for the following:</p> <p>(1) determine the name of plants, plant pests, or carriers to be prohibited or restricted articles, and of plant germplasms that shall be controlled, and of controlled plants;</p> <p>(2) determine the plant quarantine station and post-entry quarantine station;</p> <p>(3) the promulgation of the Ministerial Regulation under this Act;</p> <p>(4) perform other actions stipulated by law to be the duties of the Committee.</p> <p>(7) Make proposal to the Minister or Director-General for the amendment of this Act, make recommendation to amend Ministerial Regulations, rules, notifications or guidelines related to plant quarantine under this Act or other Act elsewhere, that cause adverse effect to the plant quarantine implementation;</p> <p>(8) Perform other actions stipulated by law to be the duties of the Committee.</p>

<p>certificate or phytosanitary certificate for re-export and the issuance of certificates under Section 15;</p> <p>(5) provide recommendation to the Director-General for the determination on inspection fees for exportation of specific controlled plants, including criteria, procedures and conditions on the request and issuance of sanitary certificate under Section 15hexa;</p> <p>(6) provide recommendation to the Minister for the promulgation of the Ministerial Regulation under this Act;</p>	
<p>Section 8: Any person importing or bringing in transit prohibited articles shall receive permission from the Director-General and comply with the following rules.</p> <p>(1) The importation or bringing in transit of prohibited articles for the purpose of experimentation or research shall be accompanied with a phytosanitary certificate, or in case where the importation or bringing in transit of prohibited plant pest or carrier which is not plant, a certification letter from the authorized agency of the exporting country shall be required to accompany with such prohibited articles.</p> <p>(2) The importation or bringing in transit for commerce or other means of businesses which shall be declared by the Director-General under the recommendation of the Committee shall be accompanied with a phytosanitary certificate, subjected to pest risk analysis and complied with the criteria, procedures and conditions stipulated by the Director-General under the recommendation of the Committee and published in the Government Gazette.</p>	<p>Section 8: No one shall import or bring in transit any prohibited materials unless otherwise permitted by the Director-General, and the materials shall be accompanied with a phytosanitary certificate issued by the competent authority of the exporting country, or in case of the country where no such certificate is issued, by other reliable document, and in the case of importation, the Director-General shall confer permission only for the purpose of experimentation or research.</p>
<p>Section 9: No one shall import or bring in transit any restricted articles unless the said restricted articles are accompanied with a phytosanitary certificate.</p>	<p>Section 9: No one shall import or bring in transit any restricted articles unless the said restricted articles are accompanied with a phytosanitary certificate issued by the competent authority of the exporting country, or in case of the country where no such certificate is issued, by other reliable document.</p>
<p>Section 10: The importation or bringing in transit of prohibited or restricted articles shall</p>	<p>Section 10: The importation or bringing in transit of prohibited or restricted articles shall</p>

<p>be made through the plant quarantine station for inspection by the plant quarantine official, and shall be complied with criteria, procedures and conditions stipulated by the Director-General under the recommendation of the Committee and published in the Government Gazette.</p>	<p>be made through the plant quarantine station for inspection by the plant quarantine official, and shall comply with all the conditions and stipulations, prescribed in the Ministerial Regulations.</p>
<p>Section 11: Any person importing or bringing in transit unprohibited articles shall attach a phytosanitary certificate and shall declare to the plant quarantine official in a format form specified by the Director-General.</p>	<p>Section 11: Any person importing or bringing in transit unprohibited articles shall notify the plant quarantine official by the form prescribed in the Ministerial Regulations.</p>

## Appendix B

(unofficial translation)

**PLANT QUARANTINE ACT B.E. 2507  
AMENDED BY  
PLANT QUARANTINE ACT (NO. 2) B.E. 2542 AND  
PLANT QUARANTINE ACT (NO. 3) B.E. 2551**

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BHUMIBOL ADULYADEJ, REX

Given on the 13th day of March, B.E. 2507.

Being the 19th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that :  
Whereas it is expedient to have a law on plant quarantine;  
Be it, therefore, enacted by the King, by and with the advice and consent of the  
Constituent Assembly acting as the National Assembly, as follows:

**Section 1** This Act shall be called the “Plant Quarantine Act, B.E. 2507”.

**Section 2** This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.

**Section 3** The Plant Diseases and Plant Pests Prevention Act, B.E. 2495 shall be repealed.

**Section 4** In this Act,

“plant” means all species of plants including terrestrial, aquatic, and other kinds of plants, including any parts thereof such as the stems, buds, stocks, shoots, offshoots, branches, leaves, roots, rhizomes, bulbs, flowers, fruits, seeds, and cultures and spores of mushrooms, be they propagable or dead; including predators, parasites, silkworms, silkworm-eggs, silk-cocoons, bees, bee-hives, and microorganisms;

“controlled plant” means plants declared by the Minister in the Government Gazette as controlled plant;

(“*specific controlled plant*” is incorporated herein by Section 3 of the *Plant Quarantine Act (No. 3) B.E. 2551*)

“specific controlled plant” means plants declared by the Minister in the Government Gazette. It shall be required protective measures and inspection on microorganisms or other objects that are harmful to human health, in compliance with the importing country requirement prior to exportation.

“plant germplasm” means a group of cells with diverse inheritable genes that form pieces of plants which are alive and propagable, be they in a form of seeds, tissues, or any part of plants, including genetic materials that may inherit any characteristics controlled by them, herein specific only to those useful for breeding purposes;

“soil” means soil with organic matters or with livable conditions for plant pests.

“plant pest” means those which are harmful to plants, such as plant pathogens, insects, animals or plants which may do harm to plants.

“carrier” means planting materials, soil, sand, containers or other materials in which plants are packed, organic fertilizers or others which may serve as media for the plant pests;

“prohibited article” means plants, plant pests and carriers declared by the Minister in the Government Gazette;

“restricted article” means plants, plant pests and carriers declared by the Minister in the Government Gazette;

“unprohibited article” means other plants which are not prohibited or restricted articles;

“owner” includes agent of the owner, person in possession of the materials and person in charge of the conveyance transporting the materials;

*(“pest risk analysis” is incorporated herein by Section 4 of the Plant Quarantine Act (No. 3) B.E. 2551)*

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“importation” means bringing or ordering into the Kingdom by any means whatsoever;

*(“bring in transit” is repealed by Section 5 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

“bringing in transit” means bringing or sending through the Kingdom with or without transshipment;

“exportation” means bringing or sending out of the Kingdom by any means whatsoever;

“plant quarantine station” means a station declared by the Minister in Government Gazette for inspecting plants, prohibited and restricted articles, and plant germplasms imported or brought in transit;

“post-entry quarantine station” means a place declared by the Minister in the Government Gazette as a place for holding plants, prohibited and restricted articles, and plant germplasms for observation and research;

“plant pest control area” means a locality declared by the Director-General in the Government Gazette as area for prevention or eradication of plant pests;

*(“phytosanitary certificate” is incorporated herein by Section 6 of the Plant Quarantine Act (No. 3) B.E. 2551)*

“phytosanitary certificate” means a legal document issued by the competent authority of exporting country to verify that plant, plant germplasm or carrier is free from pests, in compliance with the importing country requirement;

*(“phytosanitary certificate for re-export” is incorporated herein by Section 6 of the Plant Quarantine Act (No. 3) B.E. 2551)*

“phytosanitary certificate for re-export” means a legal document issued by competent authority of exporting country to verify that plant, plant germplasm or carrier brought or sent into and transshipped out of the Kingdom to other countries is free from pests of re-exporting country, in compliance with the importing country requirement;

*(“sanitary certificate” is incorporated herein by Section 6 of the Plant Quarantine Act (No. 3) B.E. 2551)*

“sanitary certificate” means a legal document issued by competent authority of exporting country to verify that a specific controlled plant is free from microorganisms or other objects which are harmful to human health, in compliance with the importing country requirement;

“Committee” means the Plant Quarantine Committee;

“Director-General” means the Director-General of the Department of Agriculture;

“plant quarantine official” means the Director-General and a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister in charge of the execution of this Act.

**Section 5** The plant quarantine official shall bear an identification card in the form prescribed in the Ministerial Regulation, and in the execution of this Act, upon request, shall provide the said identification card to the person concerned.

*(Section 5bis is incorporated herein by Section 4 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 5bis** There shall be a Committee called “The Plant Quarantine Committee,” comprising the Permanent Secretary of Ministry of Agriculture and Cooperatives as the chairman, Director-General of the Department of Fisheries or representative, Director-General of the Department of Livestock or representative, Director-General of the Royal Forestry Department or representative, Director-General of the Department of Agriculture or representative, Director-General of the Custom Department or representative, Director-General of the Department of Agricultural Extension or representative, Secretary – General Office of the Narcotics Control Board or representative, Director-General Port Authority of Thailand or representative, Managing Director Airport Authority of Thailand or representative, President the Communications Authority of Thailand or representative, Director of the National Center for Genetic Engineering and Biotechnology or representative, Representatives of the Ministry of Commerce and the Ministry of Interior, one for each Ministry, and no more than 4 Experts appointed by the Minister as the Committee and the Director of Agricultural Regulatory Division of the Department of Agriculture as the Committee and Secretary.

The Department of Agriculture, for the Committee, shall be charged with the duties on technical, administrative, and procedural under the decision of the Committee.

*(Section 5ter is incorporated herein by Section 4 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 5ter** The Expert Committee shall be in office for a two-year-term, nevertheless may be reappointed.

In case there is any reason for the Expert Committee to leave the office before the end of the term or in case the Minister appoints additional Expert Committee during the office term of the Committee, the substituted Expert Committee shall be in the office for as long as the term left for the earlier appointed Expert Committee.

*(Section 5tetra is incorporated herein by Section 4 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 5tetra** Notwithstanding the end of office term under Section 5ter, the Expert Committee appointed by the Minister shall leave the office in case of:

- (1) death;
- (2) resignation;
- (3) removed by the Minister;
- (4) become incompetent or quasi-incompetent person;
- (5) imprisoned by the final judgement to a term of imprisonment, except for an offence committed through negligence or a petty offence.

*(Section 5penta is incorporated herein by Section 4 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 5penta** In a meeting of the Committee, the presence of not less than one-half of the total number of members of the Committee shall be required to constitute the quorum. In case where the chairman is not present or is unable to perform the duty, the members of the Committee present shall elect a member among themselves to preside over the meeting as a chairman.

A decision of the meeting shall be met by a majority vote. Each member of the Committee shall have one vote. In case of equality of the votes, the presiding chairman shall have an additional vote as the final vote.

*(Section 5hexa is repealed by Section 7 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 5hexa** The Committee shall have the authority as follows:

- (1) provide recommendation to the Minister for the determination on name of plants, plant pests, or carriers to be prohibited or restricted articles, and of plant germplasms that shall be controlled, and of controlled plants and specific controlled plants;
- (2) provide recommendation to the Minister for the determination on the plant quarantine station and post-entry quarantine station;
- (3) provide recommendation to the Director-General for the determination on type of business enterprises that are eligible to import or bring in transit of prohibited articles under Section 8 (2) as well as the determination on criteria, procedures and conditions for the importation or bringing in transit of prohibited articles through commercial channel or other business enterprises under Section 8 (2);
- (4) provide recommendation to the Director-General on the provisions on criteria, procedures and conditions for importation or bringing in transit of prohibited or restricted articles under Section 10, and for the determinations on plant pest inspection and treatment fees, the request for a phytosanitary certificate or phytosanitary certificate for re-export and the issuance of certificates under Section 15;
- (5) provide recommendation to the Director-General for the determination on inspection fees for exportation of specific controlled plants, including criteria, procedures and conditions on the request and issuance of sanitary certificate under Section 15hexa;
- (6) provide recommendation to the Minister for the promulgation of the Ministerial Regulation under this Act;
- (7) make proposal to the Minister or Director-General for the amendment of this Act, make recommendation to amend Ministerial Regulations, rules, notifications or guidelines related to plant quarantine under this Act or other Act elsewhere, that cause adverse effect to the plant quarantine implementation;
- (8) perform other actions stipulated by law to be the duties of the Committee.

*(Section 5hepta is incorporated herein by Section 4 of the Plant Quarantine Act*

(No. 2) B.E. 2542.)

**Section 5hepta** The Committee shall have the authority to appoint one or more Sub-Committee(s) to perform any duties charged by the Committee.

The provisions of Section 5penta shall be applied to the meeting of the Sub-Committee mutatis mutandis.

*(Section 6 paragraph 1 is repealed by Section 8 of the Plant Quarantine Act (No. 3) 2551.)*

**Section 6** In case where it is necessary to prevent the introduction of any kind of plant pests into the Kingdom or where it is beneficial to protect possibly adverse effect on environment or human health, the Minister by the recommendation of the Committee shall have the authority to declare in the Government Gazette name of plants, plant pests or carriers to be prohibited or restricted articles under this Act, as the case may be. Under the said declaration, the name of any plants, plant pests or carriers from any sources may be stated or any exceptions or conditions may be specified.

In stipulating the conditions for prevention of the introduction of any kind of plant pests into the Kingdom, the Minister may require that any person travelling from the place where there is the occurrence of that particular plant pest, report to the plant quarantine official with the form specified by the Director- General.

When it is no longer necessary, the prohibited and restricted articles mentioned in paragraph 1 shall be revoked by declaration in the Government Gazette.

*(Section 6bis is incorporated herein by Section 6 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 6bis** For the purpose of controlling and prevention of the introduction of plant pests, the Minister by the recommendation of the Committee shall have the authority to declare in the Government Gazette, the name of plant germplasms that shall be controlled.

*(Section 6bis paragraph 2 is repealed by Section 9 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

No one shall import or export any plant germplasms declared in paragraph 1 by the Minister, unless otherwise permitted by the Director-General, and the importation of which shall be accompanied with a phytosanitary certificate.

The request for permission and the permission under paragraph 2 shall be performed under the criteria, procedures, and conditions specified by the Director-General.

*(Section 6ter is incorporated herein by Section 6 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 6ter** The plant quarantine official shall have the authority to enter the planting area, place of collections, or preservation of plant germplasms declared by the Minister under Section 6bis paragraph 1, during sunrise and sunset of the day or the official hours to inspect and study the use of plant germplasms. In such action, the plant quarantine official shall have the

authority to inquire the fact or request for the permit, or related evidence from the owner or the possessor of the planting area or the said place.

*(Section 7 is repealed by Section 7 of the Plant Quarantine Act (No. 2) B.E. 2542 .)*

**Section 7** The Minister under the recommendation of the Committee shall have the authority to declare in the Government Gazette, any port, airport, or place with certain limit as plant quarantine station or post-entry quarantine station, as the case may be.

*(Section 8 is repealed by Section 10 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 8** Any person importing or bringing in transit prohibited articles shall receive permission from the Director-General and comply with the following rules.

(1) The importation or bringing in transit of prohibited articles for the purpose of experimentation or research shall be accompanied with a phytosanitary certificate, or in case where the importation or bringing in transit of prohibited plant pest or carrier which is not plant, a certification letter from the authorized agency of the exporting country shall be required to accompany with such prohibited articles.

(2) The importation or bringing in transit for commerce or other means of businesses which shall be declared by the Director-General under the recommendation of the Committee shall be accompanied with a phytosanitary certificate, subjected to pest risk analysis and complied with the criteria, procedures and conditions stipulated by the Director-General under the recommendation of the Committee and published in the Government Gazette.

*(Section 9 is repealed by Section 11 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 9** No one shall import or bring in transit any restricted articles unless the said restricted articles are accompanied with a phytosanitary certificate.

*(Section 10 is repealed by Section 12 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 10** The importation or bringing in transit of prohibited or restricted articles shall be made through the plant quarantine station for inspection by the plant quarantine official, and shall be complied with criteria, procedures and conditions stipulated by the Director-General under the recommendation of the Committee and published in the Government Gazette.

*(Section 11 is repealed by Section 13 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 11** Any person importing or bringing in transit unprohibited articles shall attach a phytosanitary certificate and shall declare to the plant quarantine official in a format form specified by the Director-General.

*(Section 12 is repealed by Section 14 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 12** In the execution of this Act, the plant quarantine official shall have the authority as follows;

(1) search any warehouse, conveyance, package as well as any person within the jurisdiction of plant quarantine station or plant pest control area when there is reasonable ground to suspect that plants or prohibited, restricted or unprohibited articles have been imported or brought in transit in violation or noncompliance of this Act;

(2) search any premise, person or conveyance outside the jurisdiction of plant quarantine station or plant pest control area, during sunrise to sunset of the day, or during the business hours of that premise in case where there is a reasonable ground to suspect that plants or prohibited, restricted or unprohibited articles under possession are or harbor plant pests that may cause very serious damage and in case where there is reasonable ground to suspect that if the search warrant shall take longer time to be issued, such unlawful articles or any wrongdoings shall be removed, hidden, destroyed or changed from the original appearances, and in case where the search can not be carried out in time, it is allowable to continue until the search is completed;

(3) collect or draw sample in an adequate amount of plants or prohibited, restricted or unprohibited articles or other related articles for inspection or analysis, in case where there is reasonable ground to suspect that such articles are or harbor plant pests that may cause very serious damage;

(4) confiscate or hold plants or prohibited, restricted or unprohibited articles or other related articles in due time, where necessary, in case where there is reasonable ground to suspect that such articles are or harbor plant pests that may cause very serious damage.

*(Section 13 is repealed by Section 15 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 13** To prevent the introduction of plant pests into the Kingdom, the plant quarantine official shall have the authority to deal with plants or prohibited, restricted or unprohibited articles or plant germplasms imported or brought in transit as follows;

(1) diagnose plant pests, fumigated or treated with chemical by means of spraying or by any other means as deemed necessary at the owner's expenses;

(2) confiscate or hold them at the post-entry quarantine station or at any other place in due time, where necessary;

(3) order the importer of plants or prohibited, restricted or unprohibited articles or plant germplasms contaminated with plant pests to send the said items out of the Kingdom;

(4) destroy them, where necessary, when there is reasonable ground to suspect that such plant pests may cause very serious damage and there is no alternative remedial measures under subparagraph (1).

*(Section 13/1 is incorporated herein by Section 16 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 13/1** All articles that are collected, confiscated or held under Section 12(3) and (4) and Section 13 (2), shall fall into the possessions of the Department of Agriculture, in case if there is no claim from the owners, or in case where the case is withdrew by the public prosecutor, or the final judgement is not to confiscate the articles, and the owner does not claim within ninety days counting from the date of confiscation or hold, or the date of public prosecutor withdrawal or the date of the final judgement not to confiscate the articles, wherever the cases shall be.

If the articles collected, confiscated or held under paragraph 1 are perishable, or if the articles shall be at risk to be damaged from storage or the expenses to keep the articles exceeded

their values, the Director-General shall have the authority to order destroying or any other means of disposals, where appropriate.

*(Section 14 is repealed by Section 8 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 14** No one shall remove any plants or prohibited or restricted articles or plant germplasms from any plant quarantine station, post-entry quarantine station, or conveyance in case of transit, or from any places where such matters are confiscated or held by the order of the plant quarantine official unless permission in writing has been obtained from the said plant quarantine official.

*(Section 15 is repealed by Section 17 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 15** Any person who would like to apply for a phytosanitary certificate or phytosanitary certificate for re-export shall pay inspection and treatment fees at the rates specified by the Director-General under the recommendation by the Committee and shall be published in the Government Gazette.

The plant quarantine official has the authority to issue a phytosanitary certificate and phytosanitary certificate for re-export to the applicant under paragraph 1 and the plant quarantine official shall collect fees for the issuance of a phytosanitary certificate and phytosanitary certificate for re-export, where applicable to the rates prescribed in the Ministerial Regulation. The request for and issuance of a phytosanitary certificate or phytosanitary certificate for re-export shall be complied with the criteria, procedures, and conditions stipulated by the Director-General under the recommendation by the Committee and shall be published in the Government Gazette.

*(Section 15bis is incorporated herein by Section 9 of the Plant Quarantine Act (No.2) B.E. 2542.)*

**Section 15bis** To prevent the spread of the plant pests out of the Kingdom, the Minister under the recommendation of the Committee shall have the authority to declare in the Government Gazette, the name of plants to be considered as controlled plant.

*(Section 15bis, paragraph 2 is repealed by Section 18 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

Any person who would like to export controlled plant under paragraph 1 must have a phytosanitary certificate accompanied with the said controlled plant.

*(Section 15ter is repealed by Section 19 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 15ter** In case of loss or damage in the essential matters of the phytosanitary certificate or phytosanitary certificate for re-export, the holder of the said phytosanitary certificate requiring a substitution shall request for such substituted phytosanitary certificate from the plant quarantine official. The request for and issuance of the substitution of the phytosanitary certificate shall be complied with the criteria, procedures, and conditions stipulated by the Director-General.

*(Section 15tetra is incorporated herein by Section 9 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 15tetra** To facilitate plant growers for the purpose of exportation, any person who would like to request that the plant quarantine official inspect or recommend the means to control plant pests in nursery or field for exportation, shall request for registration of the said nursery or field for exportation to the Department of Agriculture.

The request for registration and the registration shall be complied with the criteria, procedures, and conditions stipulated by the Director-General.

*(Section 15penta is incorporated herein by Section 9 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 15penta** To regulate plants for exportation, the Minister under the recommendation of the Committee shall have the authority to declare in the Government Gazette, any plant to be specific controlled plant by indicating name, type, species or characteristic aspects of the plant. The declaration may be extended to microorganism or other articles that may be harmful to human health in compliance with the importing country requirements as well.

*(Section 15hexa is incorporated herein by Section 9 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 15hexa** Any person who would like to export specific controlled plant must accompany with a phytosanitary certificate and pay inspection fee at the rates specified by the Director-General under the recommendation by the Committee and shall be published in the Government Gazette.

The plant quarantine official shall have the authority to issue a sanitary certificate to the applicant under paragraph 1 and the plant quarantine official shall collect fees for the issuance of a sanitary certificate at the rates prescribed in the Ministerial Regulation.

*(Section 16 is repealed by Section 10 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 16** Any person would like to request that the plant quarantine official perform his duties under this Act on official holidays or after official working hours, or outside Government offices whether during or after official working hours, must pay additional fees for the reason that the plant quarantine official will have performed his duties at the rates prescribed in the Ministerial Regulation and pay the plant quarantine official all travel expenses as necessary and actually paid.

The criteria, procedures, and conditions of the payment of additional fees and travel expenses under paragraph 1 shall be in line with the Ministerial Rule.

**Section 17** In the event of an outbreak of plant pests which might bring about serious damages, or where there is proper reason to place control in respect of plant pests in any locality, the Director-General shall have the power to determine by notification such locality as plant pests control area. The notification shall specify the names and species of plants, plant pests, and carriers under the control and determined the local checking stations as are necessary. Such

notification shall be posted up at the Provincial Government Office, Amphur Officer, Office of Kunnan and Phuyai Ban of such locality.

**Section 18** No one shall, after a declaration of the plant pests control area under Section 17 has been made, take out of or bring into the plant pests control area any plants, plant pests or carriers specified in the declaration unless inspected and permitted in writing by the plant quarantine official.

**Section 19** The provisions of Sections 12 and 13 shall apply mutatis mutandis to the plants, plant pests and carriers stated in Section 17 which are within the plant pests control area, or to be taken out of or brought into the said area.

*(Section 19 paragraph 2 is repealed by Section 11 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

In case there are any plant pests which may cause serious damages and, if not destroyed in time, will cause more severe damages, the plant quarantine official may order the owner to destroy the plants, plant pests and carriers, or if necessary the plant quarantine official may destroy them by himself. In such case, the Director-General may order the owner to pay all expenses for such destruction as necessary and actually paid.

**Section 20** When the Director-General finds that the plant pests according to the declaration under Section 17 have all been destroyed or that necessity no longer exists, such declaration shall be revoked.

*(Section 20bis is incorporated herein by Section 12 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 20bis** The money obtained from the inspection fees under Section 15 and the additional fees under Section 16 shall not be considered as income under the law of fiscal budget, and shall be used only in those activities specified by this Act, not for any other purposes whatsoever.

*(Section 20ter is incorporated herein by Section 12 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 20ter** Any person who does not comply with Section 6 paragraph 2 or is in violation of Section 6bis paragraph 2, Section 9, or Section 18 shall be fined not exceeding 20,000 Baht.

*(Section 20tetra is incorporated herein by Section 12 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 20tetra** Any person resists or obstructs the plant quarantine official from performing his duties under Section 6ter shall be fined not exceeding 10,000 Baht.

*(Section 21 is repealed by Section 21 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 21** Any person who does not comply with Section 8, Section 10 and Section 15bis paragraph 2 or Section 15hexa or violates Section 14 shall be imprisoned not exceeding one year or fined not exceeding 20,000 Baht, or both.

*(Section 22 is repealed by Section 21 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

**Section 22** Any person who does not comply with Section 11 shall be fined not exceeding 4,000 Baht.

*(Section 23 is repealed by Section 13 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 23** Any person resists or obstructs the plant quarantine official from performing his duties under Section 12 or 13 (1) (2) or (4) or does not comply with the order of the plant quarantine official under Section 13(3) shall be imprisoned not exceeding six months, or fined not exceeding 10,000 Baht, or both.

*(Section 24 is repealed by Section 13 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 24** Any person disobeys or obstructs the plant quarantine official from performing his duties under Section 19 paragraph 2, shall be imprisoned not exceeding six months, or fined not exceeding 10,000 Baht, or both.

*(Section 25 is repealed by Section 13 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 25** For all the offences under this Act that are only punishment by fine, the Director-General or any person appointed by him shall have the authority to perform administrative fine.

*(Section 26 is repealed by Section 13 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 26** All plants, plant pests or carriers under this Act which are not imported through plant quarantine station or imported or brought in transit in violation of this Act in any respect, or those which are objects of offences in connection with the plant pests control area as provided in Section 8, 9, 14, or 18 shall be confiscated regardless of whether any person is convicted by the order of the court. All matters confiscated by the order of the court shall belong to the Department of Agriculture to be managed under its discretion.

*(Section 27 is repealed by Section 14 of the Plant Quarantine Act (No. 2) B.E. 2542.)*

**Section 27** The Minister of Agriculture and Cooperatives shall be in charge of the execution of this Act, and shall have the authority to appoint the plant quarantine official, to issue Ministerial Regulations fixing fees not exceeding the rates annexed hereto, to grant exemption of administrative fees, and to prescribe other activities for carrying out this Act.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

*(The List of Administrative Fees is repealed by Section 22 of the Plant Quarantine Act (No. 3) B.E. 2551.)*

#### Rate of Administrative Fees

(1) An import and transit permits of prohibited materials	200 Baht per each
(2) An import and export permits of plant germplasms	200 Baht per each
(3) A phytosanitary certificate	200 Baht per each
(4) A phytosanitary certificate for re-export	200 Baht per each
(5) A sanitary certificate	200 Baht per each
(6) Substitute certificate of phytosanitary certificate	100 Baht per each
(7) Substitute certificate of phytosanitary certificate for re-export	100 Bath per each
(8) Substitute certificate of sanitary certificate	100 Baht per each

Countersigned by:  
Field Marshal Thanom Kittikachorn  
Prime Minister

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- Plant Quarantine Act B.E. 2507 (1964): The Government Gazette, Vol. 81, Part 27, dated 21 March B.E. 2507 (1964).
  - Plant Quarantine Act (No.2) B.E. 2542 (1999): The Government Gazette, Vol. 116, Part 39a, dated 18 May B.E. 2542 (1999).
  - Plant Quarantine Act (No. 3) B.E. 2551 (2008): The Government Gazette, Vol. 125, Part 40a, dated 1 March B.E. 2551 (2008).
  - UNOFFICIAL TRANSLATION
  - This is an English translation. In case of any difference in meaning between the Thai text and the English translation, the Thai text shall be applied.

End of Report.